



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

JUL 22 2004

En-Tech Corporation
75 Oak Street
Norwood, New Jersey 07648

RE: MUR 5453
En-Tech Corporation

Dear Sir or Madam:

On May 18, 2004, the Federal Election Commission ("the Commission") found that there is reason to believe En-Tech Corporation violated 2 U.S.C. § 441b(a), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 30 days of receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

In order to expedite the resolution of this matter, the Commission has also decided to offer to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. Enclosed is a conciliation agreement that the Commission has approved. If you are interested in expediting the resolution of this matter by pursuing preprobable cause conciliation, and if you agree with the provisions of the enclosed agreement, please sign and return the agreement, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you have any questions, please contact Christine C. Gallagher, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,



Bradley A. Smith
Chairman

Enclosures

Factual and Legal Analysis
Conciliation Agreement
Procedures
Designation of Counsel Form

cc: candidate

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1 **FEDERAL ELECTION COMMISSION**

2 **FACTUAL AND LEGAL ANALYSIS**

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6 **RESPONDENT:** En-Tech Corporation

MUR: 5453

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8 **I. GENERATION OF THE MATTER**

9 This matter was generated based on information ascertained by the Federal Election
10 Commission ("the Commission") in the normal course of carrying out its supervisory
11 responsibilities. *See* 2 U.S.C. § 437g(a)(2).¹

12 **II. ANALYSIS**

13 Philip Giordano was a candidate for the office of United States Senator from Connecticut
14 in the 2000 election. On October 14, 2000, En-Tech Corporation made what appears to be an
15 apparent prohibited corporate contribution to the Giordano for U.S. Senate Committee ("the
16 Committee") in the amount of \$2,500.00. The Committee received and deposited this
17 contribution.

18 Pursuant to 2 U.S.C. § 441b(a), it is unlawful for corporations to make a contribution in
19 connection with any election for Federal office, "or for any candidate, political committee, or
20 other person knowingly to accept or receive any contribution prohibited by this section." The
21 term "contribution" includes "any direct or indirect payment, distribution, loan, advance, deposit,
22 or gift of money, or any services or anything of value . . . to any candidate, campaign committee,
23 or political party or organization in connection with any" federal election. 2 U.S.C. § 441b(b)(2).

¹ All of the facts in this matter occurred prior to the effective date of the Bipartisan Campaign Reform Act of 2002 ("BCRA"), Pub. L. 107-155, 116 Stat. 81 (2002). Accordingly, unless specifically noted to the contrary, all citations to the Federal Election Campaign Act of 1971, as amended ("the Act"), herein are as it read prior to the effective date of BCRA and all citations to the Commission's regulations herein are to the 2002 edition of Title 11, Code of Federal Regulations, which was published prior to the Commission's promulgation of any regulations under BCRA.

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1 It does not appear from the Committee's disclosure reports that the Committee refunded
2 the aforesaid corporate contribution.

3 Therefore, there is reason to believe En-Tech Corporation violated 2 U.S.C. § 441b(a).

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